

# **CITY COUNCIL AGENDA**

**MAY 23, 2017**

## **SYNOPSIS**

CHAPPIE JONES  
SERGIO JIMENEZ  
RAUL PERALEZ  
LAN DIEP  
MAGDALENA CARRASCO  
VICE MAYOR

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. If you have any questions, please direct them to the City Clerk’s staff seated at the tables just below the dais. Thank you for taking the time to attend today’s meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14<sup>th</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [City.Clerk@sanjoseca.gov](mailto:City.Clerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:35 a.m. - Closed Session, Called to Order in Council Chambers  
**Absent Councilmember: None.**  
  
1:33 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: None.**  
  
6:17 p.m. - Evening Session, Council Chambers, City Hall  
**Absent Councilmembers: Arenas (Excused)**
- **Invocation (District 5)**  
Tanya Benitez offered a musical performance for the Invocation.
- **Pledge of Allegiance**  
Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day – *Heard after Ceremonial Items***  
**The Orders of the Day and the Amended Agenda were approved.**
- **Closed Session Report**  
**None provided.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation recognizing the week of May 21 - 27, 2017 as National Public Works Week in the City of San José. (Jones)  
**Mayor Sam Liccardo and Councilmember Chappie Jones presented a proclamation to the Director of Public Works Barry Ng and staff declaring the Week of May 21-27, 2017 as “National Public Works Week” in the City of San José.**
- 1.2** Presentation of a commendation to Hope Cahan for her outstanding neighborhood leadership and service on the City of San José Planning Commission. (Rocha)  
**Mayor Sam Liccardo and Councilmember Donald Rocha presented Hope Cahan with a commendation in honor of her leadership and service to the City of San José Planning Commission.**
- 1.3** Presentation of a proclamation declaring the month of May 2017 as Foster Care Awareness Month in the City of San José. (Davis)  
**Mayor Sam Liccardo, Councilmember Dev Davis, Vice Mayor Magdalena Carrasco, Councilmember Johnny Khamis and Councilmember Raul Peralez presented a proclamation to members of the Silicon Valley Children’s Fund declaring May 2017 “Foster Care Awareness Month” in the City of San José.**
- 1.4** Presentation of a commendation to the Department of Parks, Recreation and Neighborhood Services iViva Parks! Program for its outstanding support and passionate advocacy for the youth and families of San José. (Carrasco)  
**Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco presented a commendation to representatives from iViva Parks! In honor of the work they do for the City and the surrounding community.**  
*Heard in the Evening.*
- 1.5** Recognition of local schools for their participation and engagement in Earth Day and Earth Month activities: Oak Grove High School and Yerba Buena High School for their engagement in the Great American Litter Pick-Up Mayor’s Challenge; Blackford Elementary and Monroe Middle Schools for their participation in the Recycle Cup Challenge. (ESD/Mayor)  
**Mayor Sam Liccardo and Councilmember Chappie Jones presented a commendation to local schools for their participation in Earth Day recycling activities.**  
*Heard in the evening.*

## 2. CONSENT CALENDAR

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### 2.1 Approval of City Council Minutes. None provided.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final Adoption of Ordinances:

- (a) ORD. NO. 29907 – An ordinance of the City of San José amending Chapter 3.36 of Title 3 of the San José Municipal Code to allow limited reemployment of retired police employees who are members of the Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Manager)  
**Ordinance No. 29907 was adopted.**
- (b) ORD. NO. 29913 – An ordinance of the City of San José amending Part 8 to Chapter 17.23 of Title 17 of the San José Municipal Code extending the termination date and amending the definition of rental unit. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Housing)  
**Ordinance No. 29913 was adopted. (10-1. Noes: Khamis)**
- (c) ORD. NO. 29914 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29914 was adopted.**
- (d) ORD. NO. 29915 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Allied Waste Services of North America, LLC DBA Republic Services, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29915 was adopted.**
- (e) ORD. NO. 29916 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to American Debris Box Service, Inc. DBA American Portables. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29916 was adopted.**

## 2. CONSENT CALENDAR

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- (f) ORD. NO. 29917 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises, Inc. DBA Chip It Recycling. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29917 was adopted.**
- (g) ORD. NO. 29918 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to City-Wide Fibers, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29918 was adopted.**
- (h) ORD. NO. 29919 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Resource Recovery, Inc. DBA Valley Recycling. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29919 was adopted.**
- (i) ORD. NO. 29920 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Evergreen Waste Services. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29920 was adopted.**
- (j) ORD. NO. 29921 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Corporation. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29921 was adopted.**
- (k) ORD. NO. 29922 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Corporation DBA Ferma Greenbox, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29922 was adopted.**

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- (l) ORD. NO. 29923 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Francisco Toca DBA Toca Debris Box. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29923 was adopted.**
- (m) ORD. NO. 29924 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Connections of California, Inc. DBA GreenTeam of San Jose. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29924 was adopted.**
- (n) ORD. NO. 29925 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Greenwaste Recovery, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29925 was adopted.**
- (o) ORD. NO. 29926 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Greenwaste Recovery, Inc. DBA \$99.00 Debris Box Service. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29926 was adopted.**
- (p) ORD. NO. 29927 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Greenwaste Recovery, Inc. DBA GW Debris Service. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29927 was adopted.**
- (q) ORD. NO. 29928 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Guadalupe Rubbish Disposal Co., Inc. DBA Guadalupe Recycling Disposal Facility. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29928 was adopted.**

## 2. CONSENT CALENDAR

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- (r) ORD. NO. 29929 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Richard W. Jones DBA Haul Away Today. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29929 was adopted.**
- (s) ORD. NO. 29930 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corporation, Inc. DBA Premier Recycle. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29930 was adopted.**
- (t) ORD. NO. 29931 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to M & G Hauling, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29931 was adopted.**
- (u) ORD. NO. 29932 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29932 was adopted.**
- (v) ORD. NO. 29933 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Mission Trail Waste Systems, Inc. DBA Recycle West. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29933 was adopted.**
- (w) ORD. NO. 29934 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Peninsula Debris Box Service, LLC. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29934 was adopted.**



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- (x) ORD. NO. 29935 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Lam Hauling, Inc. DBA 7 Days Box. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29935 was adopted.**
- (y) ORD. NO. 29936 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to R. & D. Mendes Enterprises, Inc. DBA Accurate Cleaning Systems. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29936 was adopted.**
- (z) ORD. NO. 29937 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Phi Ta DBA Ta Trucking. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29937 was adopted.**
- (aa) ORD. NO. 29938 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Rachel Varela DBA All American Dumpsters. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29938 was adopted.**
- (bb) ORD. NO. 29939 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Recology South Bay DBA Recology Silicon Valley. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29939 was adopted.**
- (cc) ORD. NO. 29940 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29940 was adopted.**

## 2. CONSENT CALENDAR

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- (dd) ORD. NO. 29941 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Sergio Barajas and Clemente Estrada DBA Bay Area Dumpsters. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29941 was adopted.**
- (ee) ORD. NO. 29942 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to United Recycle Services, LLC. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29942 was adopted.**
- (ff) ORD. NO. 29943 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Uriel Del Toro DBA Del Toro Trucking. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)  
**Ordinance No. 29943 was adopted.**
- (gg) ORD. NO. 29944 – An ordinance of the City of San José amending Part 12 of Chapter 4.80 of Title 4 of the San José Municipal Code to replace all references to the consolidated potable water utility operating fund in Part 12, including the Title, with “Municipal Water System Operating Fund” and to revise Section 4.80.630 to align provisions related to expenditure of funds in the Municipal Water System Operating Fund with updated cost of service study, including provisions regarding establishment and funding of reserves, and to delete outdated provisions and unnecessary requirements related to general fund transfers, historic staffing ratios, and periodic audits. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities; and Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involve no changes in the physical environmental. (Environmental Services)  
**Ordinance No. 29944 was adopted.**

### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

- (a) Transportation and Environment Committee Minutes of May 1, 2017. (Carrasco)
- (b) Rules and Open Government Committee Minutes of May 3, 2017. (Mayor)
- (c) Smart Cities and Service Improvements Committee Minutes of May 4, 2017. (Khamis)

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk)

**Approved.**

## 2. CONSENT CALENDAR

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**2.4 Mayor and Council Excused Absence Requests.**  
None provided.

**2.5 City Council Travel Reports.**  
None provided.

**2.6 Report from the Council Liaison to the Retirement Boards.**  
None provided.

**2.7 Vice Mayor's Travel to Monterey, CA.**

**Recommendation:** Approve travel by Vice Mayor Carrasco to Monterey, California on June 30, 2017 to July 1, 2017 to attend the League of California Cities Executive Board Meeting. Source of Funds: Mayor and Council Travel Funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Carrasco)  
**Approved.**

**2.8 Setting Public Hearings on the Downtown Business Improvement District, Hotel Business Improvement District, and Japantown Business Improvement District for FY 2017-2018 Budget Reports.**

**Recommendation:**

- (a) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018 and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.  
**Resolution No. 78169 adopted.**
- (b) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018 and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.  
**Resolution No. 78170 adopted.**
- (c) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018, to suspend collection of the Downtown BID assessments for businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.  
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council District 3. (Economic Development)  
**Resolution No. 78171 adopted.**

## 2. CONSENT CALENDAR

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### 2.9 Mayor's Staff Travel to Phoenix, AZ.

**Recommendation:** Approve travel payments and authorize travel for Mayor's staff, Shireen Santosham, Chief Innovation Officer, to Phoenix, AZ from May 24, 2017 to May 25, 2017 for the 2017 Summit on Government Performance and Innovation hosted by Governing Magazine and Living Cities. Source of Funds: e.Republic (flights and hotel); Mayor's budget (food and ground transportation). CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)

**Approved.**

### 2.10 Initiate Proceedings for Reorganization of McKee 137.

**Recommendation:** Adopt a resolution initiating proceedings and setting June 27, 2017, at 1:30 p.m. for Council consideration of the reorganization of territory designated as McKee 137, which involves the annexation to the City of San José of approximately 0.46-gross acre of land located on the north side of McKee Road, approximately 400 feet east of N. White Road, and the detachment of the same from the appropriate special districts, including the Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1). CEQA: Envision 2040 General Plan Final Program EIR, Resolution No. 76041. Council District 5. (Planning, Building and Code Enforcement)

**Resolution No. 78172 adopted.**

### 2.11 Summary Vacation of a Portion of the Northeasterly Corner of North Fourth Street and East Santa Clara Street.

**Recommendation:** Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of 86 square feet of right of way at the northeasterly corner of North Fourth Street and East Santa Clara Street ("Subject Portion");
- (b) Summarily vacating the Subject Portion, which is excess right of way not needed for street purposes; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Addendum to the Downtown Strategy 2000 EIR (Resolution No.72767), the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) for SP17-009 SJSC Towers Mixed-Use Project. Council District 3. (Public Works)

**Resolution No. 78173 adopted.**

## **2. CONSENT CALENDAR**

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### **2.12 Report on Bids and Award of Contract for the 8360 - Sanitary Sewer Repairs 2016-17 Package V Project.**

**Recommendation:** Report on bids and award of contract for the 8360 - Sanitary Sewer Repairs 2016-17 Package V Project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,455,130 and approval of a contingency in the amount of \$145,513. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council Districts 2, 3, 4, 5, 6, 8 and 10. (Public Works)  
**Accepted.**

### **2.13 Report on Bids and Award of Contract for the 7488 - Carmel and Arbor Drive Sanitary Sewer Replacement Project.**

**Recommendation:** Report on bids and award of contract for the 7488 - Carmel and Arbor Drive Sanitary Sewer Replacement Project to the low bidder, Cratus, Inc., in the amount of \$1,415,822 and approval of a contingency in the amount of \$141,582. CEQA: Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2 and 6. (Public Works)  
**Accepted.**

### **2.14 Report on Bids and Award of Contract for the 8355 – Sanitary Sewer Condition Assessment 2016-2017 Package III Project.**

**Recommendation:** Report on bids and award of contract for the 8355 – Sanitary Sewer Condition Assessment 2016-2017 Package III Project to the low bidder, Coastline Water Resources, Inc., in the amount of \$1,247,750 and approve a contingency in the amount of \$124,775. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council Districts 6, 7, 9 and 10. (Public Works)  
**Accepted.**

### **2.15 Actions Related to the 7487 – Tennant Avenue Sanitary Sewer Replacement Project.**

**Recommendation:**

- (a) Approve an increase of \$79,314 to the original construction contingency amount of \$93,978 for a revised total contingency amount of \$173,292 and increase the contract amount from \$939,783 to a total revised contract amount \$1,113,075 for the 7487-Tennant Avenue Sanitary Sewer Replacement Project (“Project”); and
  - (b) Approve Change Order No. 2 with Cratus, Inc. in the total amount of \$143,292, which is in excess of the original contingency amount of \$93,978 for the Project.
- CEQA: Exempt, File No. PP13-076, CEQA Guidelines Section 15282(h), Other Statutory Exemptions. Council District 2. (Public Works)  
**Approved.**

## 2. CONSENT CALENDAR

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### 2.16 Actions Related to Master Agreements with Silvy Group and Keen Independent Research LLC and Milagro Marketing LLC for Citywide Contracting Program.

**Recommendation:** Approve Master Agreements for consulting services related to the development of a Citywide Contracting Program with:

- (a) Silvy Group in an amount not to exceed \$290,000 from date of execution through August 31, 2019; and
- (b) Keen Independent Research LLC and Milagro Marketing LLC, a Joint Venture, in an amount not to exceed \$290,000 from date of execution through August 31, 2019.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Public Works)  
**Approved.**

### 2.17 Approval of Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Workplan and the Undergrounding Master Plan.

**Recommendation:** Approve the proposed Fiscal Year 2016/17 - 2021/22 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and of the Fiscal Year 2015-2016 Rule 20B (In-Lieu Fee) Undergrounding Master Plan. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report that involve no approvals of any City Actions. (Public Works)  
**Approved.**

### 2.18 SVCTBA Smart City Conference.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 10, 2017:

- (a) Approve the SVCTBA Smart City Conference scheduled on June 2, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)  
[Rules Committee referral 5/10/17 – Item G.1.a.]  
**Approved.**

### 2.19 District 7 Community Events.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017:

- (a) Retroactively approve the Clean Up with Tam at Story Road and Ashworth Remillard on Friday, April 26 and Saturday, April 27, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

*(Item Continued on the Next Page)*

## 2. CONSENT CALENDAR

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### 2.19 District 7 Community Events. (Cont'd)

- (b) Retroactively approve the Asian American and Pacific Islander Heritage Fest on Saturday, May 13, 2017 at Village Square Branch Library as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Nguyen)

[Rules Committee referral 5/17/17 – Item G.1.a.]

**Approved.**

### 2.20 District 2 Dumpster Day.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017:

- (a) Approve the Dumpster Day scheduled on Saturday, May 20, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jimenez)

[Rules Committee referral 5/17/17 – Item G.1.b.]

**Approved.**

### 2.21 Eritrean Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017:

- (a) Approve the Eritrean Flag Raising scheduled on Wednesday, May 24, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor)

[Rules Committee referral 5/17/17 – Item G.1.c.]

**Approved.**

### 2.22 Support for AB 1182 Teacher Housing Assistance Pilot Program.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017, adopt a position of support for AB 1182 (Low): Teacher Housing Assistance Pilot Program. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Rocha)

[Rules Committee referral 5/17/17 – Item G.2.]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.23 Support for AB 60 Subsidized Child Care and Development Services: Eligibility Periods.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017, adopt a position of support for AB 60 (Santiago and Gonzalez) (Coauthors: Assembly Members Cristina Garcia, Gomez, Rubio, McCarty, and Thurmondy) (Coauthor: Senator Wiener): Subsidized child care and development services: eligibility periods. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Carrasco/Rocha/Arenas)  
[Rules Committee referral 5/17/17 – Item G.3.]

**Approved.**

### 2.24 AB 646 (Kalra) – Rental Property: Disclosures: Flood Hazard Areas: Areas of Potential Flooding.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017, and pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of AB 646 so that the City’s legislative representatives can continue to advocate the City’s position in support of AB 646. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (City Manager)  
[Rules Committee referral 5/17/17 – Item G.4.]

**Approved.**

### 2.25 SB 231 (Hertzberg) – Stormwater Stewardship.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017, adopt a position of support for SB 231 so that the City’s legislative representatives can advocate the City’s support for SB 231. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Environmental Services)  
[Rules Committee referral 5/17/17 – Item G.5.]

**Approved.**

### 2.26 District 5 Grant.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 17, 2017, approve a \$1,000.00 grant for Rocketship Fuerza to help pay for their rental of a theater for their spring concert. CEQA: Not a Project, File No. PP10-067(c), Non-Project Specific Funding Mechanism, Grants. (Carrasco)  
[Rules Committee referral 5/17/17 – Item G.6.]

**Approved.**



### **3. STRATEGIC SUPPORT SERVICES**

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**3.4 Report of the City Manager, Norberto Dueñas (Verbal Report).**  
None provided.

**3.5 Labor Negotiations Update.**  
None provided.

**3.3 Continuation of the Proclamation of the Existence of a Local Emergency and Discussion of Current Flood Recovery Efforts.**

**Recommendation:**

(a) Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding.

(b) Discussion of current flood recovery efforts.

CEQA: Statutory Exempt, Section 15269(c), Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)

**Resolution No. 78174 adopted.**

### **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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**4.4 Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan. *DEFERRED***

**Recommendation:** Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Economic Development)

**Deferred to 6/6/17 per Administration.**

### **5. NEIGHBORHOOD SERVICES**

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### **6. TRANSPORTATION & AVIATION SERVICES**

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**6.1 Actions Related to the Airport Concession Disadvantaged Business Enterprise Program for Federal Fiscal Years 2018-2020.**

*(Item Continued on the Next Page)*

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Actions Related to the Airport Concession Disadvantaged Business Enterprise Program for Federal Fiscal Years 2018-2020. (Cont'd)**

**Recommendation:** Adopt a resolution:

- (a) Approving the proposed Airport Concession Disadvantaged Business Enterprise (ACDBE) program update in accordance with the regulations of the Federal Aviation Administration (FAA) for the Norman Y. Mineta San José International Airport;
- (b) Approving the three-year ACDBE race-neutral goal of 10.64% for all Airport Concessions, other than car rentals, for Federal Fiscal Years (FFY) 2018-2020;
- (c) Approving the three-year ACDBE race-neutral goal of 3.46% for rental cars for FFY 2018-2020;
- (d) Authorizing the City Manager to submit the three-year ACDBE program to the FAA; and
- (e) Authorizing the City Manager to make revisions to the three-year ACDBE plan as requested by the FAA.

CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services involving no physical change to the environment. (Airport)

**Resolution No. 78175 adopted.**

### **6.2 Actions Related to the Airline Lease and Operating Agreements.**

**Recommendation:** Adopt a resolution authorizing the Director of Aviation (or the Interim Director of Aviation, as applicable) to:

- (a) Negotiate and execute amendments to Signatory Airline-Airport Lease and Operating Agreements and Airline-Airport Cargo Operating Agreements to extend the term for two (2) years, from July 1, 2017 through June 30, 2019;
- (b) Negotiate and execute amendments to Non-Signatory Airline-Airport Operating Agreements to extend the term for two (2) years, from July 1, 2017 through June 30, 2019;
- (c) Negotiate and execute new Signatory Airline-Airport Lease and Operating Agreements, Airline-Airport Cargo Operating Agreements, and Non-Signatory Airline-Airport Operating Agreements through June 30, 2019; and
- (d) Negotiate and execute agreements and amendments with airlines for leases of premises through June 30, 2019 that adhere to standard rates and charges.

CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Airport)

**Resolution No. 78176 adopted.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.3 Amendment to Title 11 for Residential Permit Parking.**

**Recommendation:** Approve an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish new residential permit parking zones in the Cadillac, Lynhaven, Via Monte, and West Berryessa neighborhoods. CEQA: Exempt, File No. PP14-069. Council Districts 1, 4 and 10. (Transportation)  
**Ordinance No. 29910 passed for publication.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Report on Bids and Award of Contract for 8332 – Nitrification Clarifiers Lighting Improvements Project Re-Bid at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:**

- (a) Reject all bids received and opened on February 2, 2017 for the Nitrification Clarifiers Lighting Improvements Project.
- (b) Reports on bids and award of a construction contract for 8332 – Nitrification Clarifiers Lighting Improvements Project Re-bid to the sole bidder Boscacci, Inc. for the base bid in the amount of \$500,000 and approval of a construction contingency of 15 percent in the amount of \$75,000.

CEQA: Exempt, File No. PP16-125, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services)

**Approved.**

### **7.2 Master Consultant Agreement with SCA Environmental, Inc. for Industrial Hygienist Services at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** Approve a Master Consultant Agreement with SCA Environmental, Inc. to provide industrial hygienist services for the Capital Improvement Program at the San José – Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2024, in a total amount not to exceed \$500,000, subject to the appropriation of funds. CEQA: Statutory Exempt, File No. PP10-066(d), Agreements & Contracts, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. (Environmental Services)

**Approved.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.3 Report on Bids and Award of Construction Contract for 8101 – Headworks Critical Improvements Project Rebid at the San José–Santa Clara Regional Wastewater Facility.**

**Recommendation:**

- (a) Reject all bids received and opened on December 8, 2016 for the Headworks Critical Improvements Project.
- (b) Report on bids and award of construction contract for 8101 – Headworks Critical Improvements Project – Rebid to the low bidder, C. Overaa & Co., in the amount of \$1,499,000, and approval a 15 percent construction contingency in the amount of \$224,850.
- (c) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders in excess of \$100,000 for the duration of the Project, not to exceed the total contingency amount approved for the Project.

CEQA: Exempt, File No. PP13-039, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services/Public Works)

**Resolution No. 78177 adopted.**

### **7.4 Actions Related to the Commercial Solid Waste Customer Service Rates.**

**Recommendation:**

- (a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

**Public hearing held.**

- (b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.

CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

**Resolution No. 78178 adopted.**

### **7.5 Approval of the City of San José Green Infrastructure Plan Framework.**

**Recommendation:** As recommended by the Transportation and Environment Committee on May 1, 2017:

*(Item Continued on the Next Page)*

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.5 Approval of the City of San José Green Infrastructure Plan Framework. (Cont'd)**

- (a) Approve a Green Infrastructure Plan Framework that describes the purpose, tasks, and timeframes for the development of a Green Infrastructure Plan; and
- (b) Authorize submittal of the Green Infrastructure Plan Framework in conformance with the Stormwater Permit requirements.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (Environmental Services)

[Transportation and Environment Committee referral 5/1/17 – Item d(6)]

**Approved.**

## **8. PUBLIC SAFETY SERVICES**

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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### **9.1 Approval of Purchase and Sale Agreement for Property Located at 1343 The Alameda and Termination of Easement. *DEFERRED***

**Recommendation:** Successor Agency Board:

- (a) Approve a Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Imwalle Properties as buyer to allow the sale of 1343 The Alameda (“Property”) for a purchase price of \$363,000.
- (b) Adopt a resolution terminating the Successor Agency’s use of the adjacent property located at 1345 The Alameda for parking purposes and authorizing the Managing Director to execute a Quitclaim Deed to terminate the Easement Agreement, dated May 19, 2009, between the former Redevelopment Agency of the City of San José and Lydia Tai (“Tai Property”) which allows the Tai Property to use two (2) parking spaces on the Property.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 6. (Successor Agency)

**Deferred to 6/6/17 per Administration.**

### **9.2 Approval of Purchase and Sale Agreement – 551 West Julian Street. *DEFERRED***

**Recommendation:** Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and TC Agoge Associates, LLC as buyer to allow the sale of 551 West Julian Street for a purchase price of \$650,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)

**Deferred to 6/6/17 per Administration.**

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### 9.3 Approval of Purchase and Sale and Assignment Agreement for the Revenue Participation Interest for 261 North Second Street. *DEFERRED*

**Recommendation:** Successor Agency Board approve the Purchase and Sale and Assignment Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Germania Verein Inc. as buyer to allow the sale of the Revenue Participation Interest for the property located at 261 North Second Street for the purchase price of \$32,360. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)  
**Deferred to 6/6/17 per Administration.**

- Open Forum

1. Leah Rowell Wiggs, from Renovate America, spoke on the HERO program and presented packets on the impact that the program has had in the City of San José.
2. Ray Perez asked the Council to reinstate the old library hours at Martin Luther King Library that would keep the library open until 10:00 p.m.

Mayor Sam Liccardo recessed the meeting at 5:46 p.m.

## 10. LAND USE

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Mayor Sam Liccardo reconvened the meeting at 6:17 p.m.

### 10.1 Land Use on Consent Calendar.

(a) Conforming Rezoning for the Real Property Located at 539 North 8th Street.

**Recommendation:**

- (1) Adopt a resolution approving the Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617) in accordance with CEQA.

**Resolution No. 78179 adopted.**

- (2) Consideration of an ordinance of the City of San José rezoning certain real property on a 0.15 gross acre site on the west side of North 8<sup>th</sup> Street approximately north of East Empire Street (539 North 8<sup>th</sup> Street) from the LI Light Industrial Zoning District to R-2 Two-Family Residence Zoning District (Barriga, Emilio, Owner).

**Ordinance No. 29946 approved.**

*(Item Continued on the Next Page)*

## 10. LAND USE

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### 10.1 Land Use on Consent Calendar. (Cont'd)

CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041, SCH#2004102067) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617).  
Planning Commission recommends approval (5-0-2, Ballard and Bit-Badal absent).  
(Planning, Building and Code Enforcement) **C16-052** – Council District 3.

### END OF LAND USE CONSENT CALENDAR

### 10.2 Site Development Permit and Special Use Permit and Vesting Tentative Map Located on the Southeast Corner of Post Street and South Almaden Avenue at 70 South Almaden Avenue.

#### Recommendation:

- (a) Adopt a resolution certifying the Greyhound Residential Project Supplemental Environmental Impact Report, making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a statement of overriding consideration on historical resource and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended.  
**Resolution No. 78180 adopted.**
- (b) Adopt a resolution approving Vesting Tentative Map No. T16-017 to combine four parcels into one parcel and then to resubdivide the parcel into 708 residential condominium units and 10 commercial condominium units on a 1.63 gross acre site, located on the southeast corner of Post Street and South Almaden Avenue at 70 South Almaden Avenue) (Greyhound Lines Inc., Owner); and  
**Resolution No. 78181 adopted.**
- (c) Adopt a resolution approving Site Development Permit and Special Use Permit No. SP16-021 to allow the demolition of the existing Greyhound Bus Station (a City Historic Landmark candidate) and associated parking lot, to remove five street trees, and to permit the construction of 708 residential units with 13,974 square feet of ground floor retail in two high rise towers (23 and 24 stories respectively) on the subject property.  
CEQA: Supplemental Environmental Impact Report for the Greyhound Residential Project to the “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005;

*(Item Continued on the Next Page)*

## 10. LAND USE

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### 10.2 Site Development Permit and Special Use Permit and Vesting Tentative Map Located on the Southeast Corner of Post Street and South Almaden Avenue at 70 South Almaden Avenue. (Cont'd)

“Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and Supplemental Environmental Impact Report to the “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015. Planning Commission recommends approval (4-0-2-1; Abelite, Pham absent, Vora abstained). (Planning, Building and Code Enforcement) **SP16-021 and T16-017** – Council District 3.

**Resolution No. 78182 adopted, including the Memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Raul Peralez and Councilmember Sylvia Arenas, dated May 19, 2017, with the direction:**

- 1. To qualify for any of the Downtown High-Rise Incentive Program fee reductions, the developer must:**
  - i. Break ground by July 2018, and be completed by December 2020;**
  - ii. Retain contractors licensed by the State of California and the City of San José;**
  - iii. Employ only construction workers who possess licenses and certifications required by the State of California;**
  - iv. Post bids on websites such as The Bay Area Builders Exchange for sub-contractors to readily access work to bid on for local workers in the nine Bay Area Counties, including Santa Cruz, Monterey, and San Benito Counties; and,**
  - v. Commit to not retaining the services of any contractor or sub-contractors that have a history of wage theft violations in the past five years, and will provide an affidavit to that effect to the City of San José prior to the start of construction.**
- 2. In addition, the developer shall make good-faith efforts to:**
  - i. Comply with the State of California's apprenticeship program requirement that at least 16.7% of the hours worked by their respective construction workforces on the project must be worked by registered apprentices from approved apprenticeship training programs; and**
  - ii. Ensure that 25% of those registered apprentices are identified as having an employment barrier such as homeless, veterans, or at-risk youth.**

- **Open Forum**

There were none.



- **Adjournment**

**The Council of the City of San José adjourned the Joint City Council/San José Financing Authority at 8:26 p.m. in the memory of David Carrasco, for his commitment and passion to our community in keeping our parks beautiful. David Carrasco passed away on March 21, 2017.**

**JOINT CITY OF SAN JOSE CITY COUNCIL/  
FINANCING AUTHORITY AGENDA**

**1:30 P.M.**

**TUESDAY, MAY 23, 2017**

**CHAMBERS**

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- 1. Called to Order at 6:17 p.m.**
- 2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008CD (Hayes Mansion Refunding Project).**

**Recommendation:**

- (a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), and authorizing other related actions.  
**Resolution No. 78183 adopted.**
- (b) City of San José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), approving and authorizing the execution and delivery of a Second Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.

CEQA: Not a Project, PP10-066, Agreements and Contracts. (Finance)

**Finance Authority Resolution No. 134 adopted.**

**3. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008E (Ice Centre Refunding Project).**

**Recommendation:**

- (a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), and authorizing other related actions.

**Resolution No. 78184 adopted.**

- (b) City of José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), approving and authorizing the execution and delivery of a Second Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.

CEQA: Not a Project, PP10-066, Agreements and Contracts. (Finance)

**Finance Authority Resolution No. 135 approved.**

**4. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008f (Land Acquisition Refunding Project).**

**Recommendation:**

- (a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with Bank of America National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), and authorizing related actions.

**Resolution No. 78185 approved.**

- (b) City of José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with Bank of America National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), approving and authorizing the execution and delivery of a First Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.

CEQA: Not a Project, PP10-066, Agreements and Contracts. (Finance)

**Finance Authority Resolution No. 136 approved.**

**Mayor Sam Liccardo adjourned the Joint City Council/San José Financing Authority at 8:27 p.m.**